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Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi

Third progress report

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I. Introduction

1. This third report of the Strategic Framework for Peacebuilding in Burundi describes the progress made during the period from January to July 2009 and remaining challenges to peacebuilding in the second half of the year.

2. As in the previous report, all stakeholders members of the Monitoring and Tracking Mechanism of the Strategic Framework, including civil society, women's organizations, the private sector, political parties, religious communities, the Bashingantahe institution, the United Nations system and bilateral and multilateral partners, under the leadership of the Government, with technical support from the United Nations Integrated Office in Burundi (BINUB), were involved in the preparation of the report. While participation remained limited at the level of the working groups, all categories of stakeholders nonetheless contributed to the process.

3. Preparation of this third report involved:

(a) Providing the working groups of the Strategic Framework for Peacebuilding in Burundi with the recommendations made by the United Nations Peacebuilding Commission (PBC) in February 2009;

(b) Revising the indicators with the support of the BINUB Joint Monitoring and Evaluation Unit;

(c) Reviewing progress, trends and challenges to peacebuilding in priority areas within the thematic working groups;

(d) Adding the inputs to the Strategic Framework provided by thematic working groups and member States of the Peacebuilding Commission;

(e) Drafting the report by the drafting committee;

(f) Endorsing the report at the level of the Partners Coordination Group (PCG).

4. Throughout the process, members of the PCG monitoring and evaluation group met to work out the format of the report, the methodology for drafting and endorsing it in the consultation bodies, namely the Strategic Forum (at the technical level: sectoral specialists and advisers) and the Political Forum (at the strategic level: Ministers, Ambassadors and heads of mission). Unlike the two previous reports, this one combines analysis of progress and trends with stakeholders' commitments, thereby avoiding having to repeat the same information. Another difference is that, thanks to assistance from the Peacebuilding Support Office (PBSO) in New York, the many contributions regarding commitments from member countries of the PBC, Burundi configuration, have been systematically taken into account.

5. Notwithstanding the challenges and limitations inherent in any inclusive and participatory review process involving many people and institutions from different backgrounds, readers will find all the information they need in order to understand the facts, the challenges and the future actions required in respect of peacebuilding in Burundi.

II. Review of progress and trends

A. Promotion of good governance

1. Elections and political dialogue

Peacebuilding Commission recommendations of 6 February 2009

Elections and political environment

Ensure an environment conducive to the holding of free, fair and peaceful elections in 2010, including through an inclusive process for the establishment of the electoral framework and a credible National Independent Electoral Commission, promoting constructive dialogue and political space, and promoting and respecting civil and political rights;

Political dialogue

Encourage and support the efforts of the Government to establish a permanent forum for political dialogue among the political parties and civil society, including women's and religious groups.

Review of progress and trends

6. Pursuant to the conclusions and recommendations of the Peacebuilding Commission in its second report on an establishment of the institutional environment conducive to the holding of elections in 2010, the National Independent Electoral Commission was officially established through a consensus agreement on the part of the main political parties. The members of the Commission were appointed and took the oath of office before the President of the Republic and a joint session of the two Chambers of Parliament on 8 April 2009.

7. Furthermore, on 11 May 2009, the President of the Republic wrote to the Secretary-General of the United Nations requesting assistance before, during and after the 2010 elections. In June, the United Nations began working with the Electoral Commission to identify the country's electoral needs and sent a needs assessment mission, which is expected to submit its report in July 2009. In the meantime, two mechanisms for coordinating international electoral assistance have been established: a strategic advisory committee and a technical coordination committee. These committees work in close cooperation with the country's development partners.

8. Several groups have once again openly criticized the restrictions imposed by the authorities on the civil and political rights of political parties and civil society organizations. During the reporting period, the Minister of the Interior, political parties, civil society organizations and the media held several meetings to discuss various election-related issues which shows that an effort is being made to maintain a dialogue among the parties.

9. Pursuant to a recommendation by the Peacebuilding Commission and as a sign of the Government's openness to the establishment of a space for dialogue, the Minister in the Office of the President responsible for Governance and Privatization agreed with the political parties to establish a standing forum for dialogue.

10. Finally, the development partners and the Government agreed to set up a thematic working group on governance to monitor implementation of the Poverty Reduction Strategy Paper, which should contribute to achieving a clearer and more consensual framing of governance challenges and priorities in Burundi.

2. Action to combat corruption and Government reform

Peacebuilding Commission recommendations of 6 February 2009

Good governance and action to combat corruption

Take further action to combat corruption and prosecute those responsible, including the conclusion of cases such as that against the oil company Interpetrol and that concerning the sale of the Falcon 50 presidential jet, and to build capacities to administer and strengthen public and local services.

Progress and trends

11. Burundi is still plagued by corruption and is hampered by the very slow pace at which complex cases of misappropriation of funds, including the sale of the Falcon 50 presidential jet is processed; there have been no significant new developments since the parliamentary commission on the sale of the presidential jet finalized its report. As for the Interpetrol case, a new commission was set up in March 2009 by the Office of the Second Vice-President of the Republic to decide on the company's and Government's claims.

12. On the other hand, institutional measures aimed at advocating against and combating corruption, although still in their infancy, have been put in place. Such measures include the establishment of local good governance committees in every commune and the organization of regional information workshops on mechanisms to combat corruption for local government officials, and Burundi National Police and customs service officers. Two of the five remaining regional anti-corruption commissariats have been set up. Under the anti-corruption machinery in place, the Anti-Corruption Court and the Anti-Corruption Brigade are still operating but deal with cases that do not involve high-ranking officials who enjoy immunity from prosecution but may be prosecuted by the Prosecutor General and the Supreme Court.

13. On a more sombre note, the murder on 8 April 2009 of Ernest Manirunva, former Vice-President of the Observatory for the Fight against Corruption and the Misappropriation of Funds (OLUCOME), is viewed by civil society organizations and public opinion, as a test case in the fight against impunity and corruption.

14. As far as Government reform is concerned, the President issued Decree No. 100/14 of 29 January 2009, reshuffling the Cabinet. Four new ministers were appointed, several ministers were assigned new portfolios and vice-ministries were elevated to full ministries. The latter minister change seeks, in particular, to vertically integrate ministerial governance and to reorganize the functions of senior officials. However, it should be noted that discretionary and unplanned reassignments and removals and promotions have often adversely affected the proper functioning of some sectors of Government. Such practices hinder continuity in the civil service and the preservation of institutional memory and organizational growth.

15. Government reform is also pursued through decentralized provision and governance of public services. In a bid to bring the Government closer to the people, the Council of Ministers adopted on 27 May 2009 a national decentralization policy paper as a long-term decentralization policy framework (10 years).

16. Repeated strikes over salary demands in the education and health sectors, a problem mentioned in the two previous reports on the Strategic Framework for Peacebuilding in Burundi, seems to have been successfully resolved. A commission on the harmonization of salaries in the public sector was established; it submitted its report in June 2009. The report contains proposals for correcting disparities in civil service wages.

17. Finally, with respect to good governance, Burundi has begun to modernize its platforms for the management of customs and excise duties and to bring them into line with those of the other countries of the East African Community, with a view to enhancing the collection of customs revenue. The measures taken by the Government to enhance the management of public finance include, the public finance management plan adopted by the Council of Ministers; the establishment in May 2009 of an inter-ministerial commission to combat fraud in the sugar sector; the enactment of legislation on public procurement; the introduction of a value-added tax; and the adoption by Parliament on 17 July 2009 of the Burundi revenue service act, which is expected to be enacted by late 2009.

Contribution of national partners ("stakeholders")

18. As part of the efforts to promote dialogue and establish confidence-building measures, the political parties and some members of civil society got involved in the planning and establishment of the permanent forum for dialogue among political parties. The political parties played a key role in that regard by forging an agreement both among themselves and with the Government, on the powers and composition of the National Independent Electoral Commission (CENI).

19. For their part, women's organizations have already started awareness-raising campaigns to promote women's participation in the coming 2010 elections and to push for a level of female representation in the new institutions, including at the grass-roots level, of more than 30 per cent.

Contribution of international partners

20. Several international partners have been active or have at least offered their assistance in the area of governance. Thus, Belgium, in addition to providing technical assistance, has maintained regular visits at the ministerial level and contacts with members of Parliament. The United Kingdom has maintained a political dialogue with the Government of Burundi and has played an active role in the European Union and the United Nations (including in the Peacebuilding Commission) in support of the peacebuilding process in Burundi. The European Commission, through its good governance programme, has been very active in strengthening, inter alia, the capacity of the Court of Auditors, the Anti-Corruption Brigade and the Office of the State Inspector General. The European Commission has also provided assistance to civil society. Switzerland has supported, and continues to support, democratization and local governance, the promotion of inter-Burundian dialogue, including the involvement of Palipehutu-FNL, the former rebel movement, in fostering political dialogue. France has also been active in

supporting the media through its "Radio Afrique Plan". It played a leadership role in the technical and financial partners project in the education sector and in the implementation of a higher education reform project and contributed to the common education fund. Canada provided assistance in conflict prevention and reconstruction by financing a project to promote a culture of democracy (Can$ 185,726) under the Global Peace and Security Fund. The United States of America provided capacity-building assistance with respect to good governance, action to combat corruption and women's leadership in grass-roots communities, civil society organizations and Government institutions. It also provided capacity-building assistance to coffee growers' associations in financial management.

21. Mexico has offered to provide cooperation assistance in electoral capacity-building for the 2010 elections, including enhancing the capacity of the National Independent Electoral Commission. Cooperation between South Africa and the United Nations Development Programme (UNDP), made it possible for the Electoral Commission to undertake a study trip to South Africa to observe the recent elections in that country. The European Commission also funded another study trip in connection with the European elections. For its part, the United Nations system, through the United Nations Integrated Office in Burundi (BINUB), set up two frameworks to coordinate international assistance and mobilize funds in support of the 2010 elections: BINUB handles the strategic coordination of the electoral process, while UNDP handles the technical and operational coordination of international partner efforts. The United States Agency for International Development (USAID) has started a technical assistance and support programme for the elections; its activities will include civic education, technical assistance for the Electoral Commission, the media and civil society actors, as well as coordination of contributions in support of action by civil society.

22. The United Nations, through UNDP, also provided support to the commission on the harmonization of salaries by assigning regional and international experts — a consultant from the International Labour Organization and two experts from Uganda and the United Republic of Tanzania — to it. In June 2009, BINUB and UNDP supported the Ministry of the Civil Service, Labour and Social Security in coordinating the support of potential partners in government reform.

23. Finally, the United Nations supported the Government and its partners in their efforts to establish forums for dialogue, which led to the recommendation that a permanent forum for dialogue among the political parties should be established. The Government is expected to formalize the forum during the second half of 2009.

Challenges and risks

24. In the area of democratic governance, despite the issuance by the Ministry of the Interior of Ordinance No. 530/1208 of 18 November 2008, relaxing the rules governing the holding of public meetings, opposition political parties complained during the reporting period that some authorities had denied them permission to hold party meetings or organize public demonstrations. This is said to be attributable to the misinterpretation of the above-mentioned Ordinance by some local authorities or by the parties concerned.

25. Given the potential for the hardening of political positions in the run up to and during elections, stakeholders, especially politicians, should continue their dialogue with each other through relevant democratic forums.

26. The ability and commitment of politicians to play by the rules of a peaceful and transparent political competition.

27. In the area of administrative governance, there are malfunctions in some Government agencies owing to the high staff turnover.

28. Female representation in publicly elected offices and administrative positions at the provincial, commune and colline levels is still below the target of 30 per cent.

29. Finally, in terms of economic governance, the cases of misappropriation of funds, including the sale of the Falcon 50 presidential jet and the Interpetrol case, have not been processed quickly enough owing to inadequate judicial investigative capacity.

B. Ceasefire Agreement between the Government and the Forces nationales de libération (FNL)

Peacebuilding Commission recommendations of 6 February 2009

Implementation of the Comprehensive Ceasefire Agreement

Ensure, together with the Forces Nationales de Libération, the timely implementation of the outstanding elements of the 4 December 2008 and 17 January 2009 Bujumbura agreements,[1] *including the immediate release of children associated with FNL, the release of prisoners of FNL, the disarmament, demobilization and reintegration of FNL combatants, the registration of FNL as a political party, the integration of FNL into national institutions and the integration of FNL combatants into the army and police.*

Peace process

Continue to monitor and support the implementation of the Comprehensive Ceasefire Agreement and the follow-up to the Bujumbura agreement, including through the Regional Initiative, the South African Facilitation, the African Union, the United Nations Integrated Office in Burundi and other members of the Political Directorate.

Disarmament, demobilization and reintegration

Provide the necessary financial and technical support to enable the Government of Burundi and FNL to complete the implementation of the Comprehensive Ceasefire Agreement, as agreed to in the conclusions of the Burundi configuration of the Peacebuilding Commission of 12 December 2008, including support for disarmament, demobilization and reintegration of FNL combatants.

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[1] "Bujumbura agreements", in either the singular or the plural, is often used to refer to the "Bujumbura Declaration", which was the term agreed by the parties at the Summit of Heads of State on 4 December 2008 that culminated in a declaration of agreement on the steps and actions to be taken by the parties to advance the peace process between the Government and FNL.

Review of progress and trends

30. From January to June 2009, considerable efforts were undertaken to achieve peace between the Government and FNL and to implement the agreements relating thereto.

31. The parties have complied with the main points of the Bujumbura Declaration of 4 December 2008: the 340 children associated with FNL and the 40 children associated with FNL dissidents were separated from adult combatants and reunited with their families in May and June 2009, respectively; 118 political prisoners were released in January 2009 and 103 more were released between 20 and 22 May 2009; the request for 33 posts for members of the FNL party has been granted, including 15 by presidential decree, and 23 of the persons concerned have already been integrated into the civil service; finally, FNL has been registered as a political party after changing its name (formerly Palipehutu-FNL), to come into compliance with the criteria on names of political parties, under the Constitution of Burundi.

32. The demilitarization of FNL has resulted in the integration of 3,500 former combatants into the defence and security forces. An additional 5,000 FNL members will benefit from the demobilization and reintegration process and around 10,000 men associated with FNL and 1,000 women presently demobilized from FNL are entitled to financial assistance to return to their villages. The demobilization programme for adults associated with FNL will end around late August 2009.

33. FNL has also been successfully absorbed into the security forces. Military rank harmonization and integration of FNL members into the defence and security forces has been ongoing since April 2009; thus far, 1,550 individuals, including 150 former FNL dissidents, have joined the police forces and 2,200, including 100 former FNL dissidents have joined the army. A total of 163 women have been selected for integration into the defence and security forces.

34. At the time of writing, there was every indication that the demilitarization, the disarmament, demobilization and reintegration of FNL, was on the right track. The process has enhanced security, especially with respect to the movement of goods and persons in the provinces, including, in Bujumbura Rural, Bubanza and Cibitoke.

Contribution of national partners ("stakeholders")

35. Civil society has been actively involved in the implementation of the peace agreements between the Government and FNL. For instance, a memorandum was sent by a group of civil society organizations to the President of the Republic concerning the involvement of civil society in the implementation of the agreements. In addition, there have been advocacy initiatives inviting the Joint Verification and Monitoring Mechanism (JVMM) to take into account United Nations Security Council resolution 1325 (2000) in the disarmament, demobilization and reintegration process; women's organizations have been particularly active in advocating for gender mainstreaming in the disarmament, demobilization and reintegration process.

Contribution of international partners

36. The international community's contribution to improving security, especially through the African Union, has been significant at all levels. In May 2009, for instance, the African Union helped establish the Joint Protection Unit to replace

African Union forces. This Unit will be part of the Emergency Response Mobile Group (GMIR) responsible for protecting Government institutions.

37. South Africa continues to play a leading role as the Facilitator of the Peace Process, which involves political, financial, technical and security-related commitment. Belgium has been actively involved in activities supporting full implementation of the peace process, for instance, through its participation in the meeting of the Group of Special Envoys for Burundi held in May; its contribution of €256,000 to build an assembly area for FNL ex-combatants in Rubira; and funding for training of FNL leaders. France, particularly when it held the rotating presidency of the European Union, significantly contributed to advancing the peace process through its participation in the work of the Political Directorate. It has also partnered with the United Nations Children's Fund (UNICEF) to support child soldiers and their reintegration into their families and communities. In early 2009, the United Kingdom contributed £500,000 towards the costs of the South African Facilitation and has played an active role within the European Union and the United Nations in supporting the peace process. The Netherlands contributed $1.8 million towards the costs of the South African Facilitation. Switzerland supported a Swiss organization that, alongside official facilitators, has played a key role in promoting the peace process.

38. As part of the facilitation of the FNL demobilization process, contributions were received from Switzerland ($60,000), Germany ($600,000) and the Peacebuilding Fund and UNDP ($1 million) to set up an emergency basket fund, that was used to finance the demobilization of some 10,000 men and 1,000 women associated with FNL.

39. The National Disarmament, Demobilization and Reintegration Programme, which was launched in 2004, was terminated on 31 December 2008.[2] It was replaced by the Transitional Demobilization and Reintegration Programme, which received $10 million in funding from the World Bank for 2009-2010; the Bank committed an additional $5 million for 2011-2012, payment of which will depend on whether the following donors honour their pledges: Belgium, €2 million; the European Community, €4 million; the Netherlands, €4 million; and Norway, €5 million. In 2009, Japan contributed $2.3 million through UNDP towards the durable reintegration of ex-combatants.

40. The United Nations has devoted considerable effort, through BINUB and UNICEF, to separate the 340 children associated with armed groups in Burundi, including the former FNL movement, from such groups and to reunite them with their families.

41. On 27 May 2009, in the light of the successful outcome of the peace and security process, the South African Facilitation concluded its work and proposed the creation of a partnership for peace in Burundi with a mandate to provide assistance to Burundi until 31 December 2009 in achieving a durable peace.

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[2] The National Disarmament, Demobilization and Reintegration Programme (PNDRR) was financed by the World Bank (in the amount of $33 million). It also received funding from the Multi-Donor Trust Fund of the Multi-Country Demobilization and Reintegration Program (MDRP) in the amount of $41.8 million, from such donors as Belgium, Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, Sweden, the United Kingdom and the European Commission.

Challenges and risks

42. An issue that has yet to be addressed is the situation of the FNL prisoners. The Joint Verification and Monitoring Mechanism (JVMM) has declared that it has no jurisdiction in that regard, since the lists of prisoners were transmitted to it after its mandate had expired or because they include people imprisoned after the Ceasefire Agreement was signed between the Government and FNL.

43. Treating the various categories of FNL ex-combatants differently in terms of reintegration, especially in the case of adults associated with FNL, of which there are a significant number, could cause discontent and frustration within communities. This in turn could justify, in the eyes of those dissatisfied with the process, criminal acts that would undermine public safety.

C. Security sector

44. The challenges to peacebuilding in the security domain have consisted in strengthening the institutional bases to promote the professionalization of the defence and security forces, and the relations of the latter with the civil institutions which will control them and also their relations with respect to the citizens whom they have a duty to protect. The challenges relating to security sector reforms in the context of the integration of FNL combatants and security arrangements for the elections give added prominence to the questions about the priority actions to be carried out by the end of 2009.

Peacebuilding Commission recommendations of 6 February 2009

Security sector reform

Prepare a comprehensive national plan for security sector reform, including the establishment of an agreed framework and modalities for rightsizing and ensuring the professionalization of the army, the police and the national intelligence service, and rendering the police, defence and intelligence services accountable.

Review of progress and trends

45. The professionalization of the defence and security forces continued during the period covered by the report with an ethics programme, consisting of an introduction to human rights, international humanitarian law, leadership, discipline and the Military Penal Code.

46. Preparation for elections by security forces is already on the agenda of training workshops on "ensuring secure elections". There is already a training module on strategies for ensuring secure elections in 2010 for the defence and security forces within the national intelligence service.

47. With regard to the institutional framework in place, the National Security Council held its first meeting on 22 June 2009. In its role as a consultative and advisory body, it proposed the development and holding of civic education workshops for security forces.

48. Several initiatives have been organized in order to build the capacities of defence and security forces. In March 2009, the national intelligence service held a

retreat for all of its staff. The outcome was a strategic development plan identifying guidelines to foster professional values. The service aims to fulfil its duties in strict compliance with the rule of law and human rights.

49. As regards the disarmament of the civilian population, a bill on arms control, possession and circulation has been approved by the Council of Ministers and will be submitted to Parliament in July 2009. The bill makes substantial amendments to the 1971 Act in the light of the current situation in the country and of the relevant international protocols. It is therefore a key instrument in controlling the illegal circulation of small arms and light weapons in Burundi.

50. Although the Government had previously been slow to act, some 1,300 weapons and 14,302 tons of ammunition were turned in from March to June 2009 in return for such items as lengths of cloth, building material and bicycles. A site for the destruction of weapons and ammunition was constructed at the logistics base of the national defence forces. Some 8,008 weapons and ammunition have already been destroyed. Some of these were collected from civilians, and some were obsolete weapons belonging to the national police and national defence forces. The disarmament, demobilization and reintegration process and the demobilization of combatants have encouraged civilians to turn in their weapons voluntarily.

51. The national intelligence service has continued to receive capacity-building assistance from development partners, including BINUB, which has organized technical training programmes, including in human rights, for officers of the national intelligence service and Judicial Police. The new national intelligence service code of conduct has been translated into Kirundi, and over 600 copies have been issued.

52. On 16 February 2009, the cornerstone of the higher police institute was laid in Mitakataka, Bubanza province. Starting in March 2010, the Institute will organize two-year courses for 60 trainees per year and per cohort. The national police has now registered all of its staff members. Uniforms and accessories such as insignia and identification badges have been acquired in order to enable commanding officers and civilians to monitor the conduct of security officers.

53. Parliament has enhanced its oversight of the security bodies. The Parliamentary commission on the defence and security forces has undertaken regular monitoring visits to the security services, including the national intelligence service, and issues a report every six months. On several occasions, the Minister of Defence has taken part in several parliamentary question-and-answer sessions on security issues. As is the case for other public services, the army and police will henceforth be subject to the oversight of the national inspectorate.

54. As regards relations between security services and civilians, the national intelligence service organized information sessions in Bujumbura and in all of the provinces in June 2009. The sessions have raised awareness of the service's role and mission. In view of the service's reputation for secrecy in protection of what it describes as classified information, such activities are in themselves a notable effort to promote transparency. A service open day was also organized as part of that initiative.

55. Burundi is participating as a troop-contributing country in peacekeeping missions in Somalia, Sudan and Côte d'Ivoire. The Burundian contingent of the African Union peacekeeping mission in Somalia was increased from 850 soldiers in

2008 to 1,700 soldiers in the first half of 2009. Since 2008, Burundian forces have received ethics and gender training in preparation for peacekeeping operations.

56. Lastly, the national defence forces have sought to cooperate in a spirit of openness with women's organizations and civil society, with particular reference to integrating a gender perspective into security sector reform.

Contribution of national partners ("stakeholders")

57. During the period under review, civil society organizations actively campaigned for the voluntary surrender of illicit weapons. Women's organizations have pressed for the mainstreaming of the gender perspective into the disarmament, demobilization and reintegration process, and for the formulation of a capacity-building programme on defence and security in order to integrate a gender perspective into the code of conduct of the national defence forces.

Contribution of international partners

58. Belgium has contributed to short training courses for army officers in Bujumbura, and has continued to offer longer training courses at the École Royale Militaire. France is helping to develop a project in support of the Burundi National Police, in particular through the training of officers and the establishment of the Bubanza higher police institute. The Netherlands has signed an eight-year Memorandum of Understanding with the Government on security sector development in support of the Ministry of Public Security and the Ministry of Defence and Veterans Affairs, in partnership with "global" actors such as Parliament and civil society.

59. The German Agency for Technical Cooperation has contributed to the construction of several police stations in the southern provinces. Similar police stations will be built elsewhere in the country.

60. In partnership with Switzerland, France and the United States of America, UNDP has helped to establish an arms and ammunition destruction centre; mark weapons belonging to the Burundi National Police and the national defence forces; and control ammunition stocks. Such action is aimed at controlling the weapons and ammunition of the defence and security forces, thereby reducing armed violence in accordance with the Geneva Declaration on Armed Violence and Development, which was signed by Burundi on 7 June 2006.

Challenges and risks

61. Crimes continue to be committed as a result of the possession of weapons by civilians and misbehaviour within the army, police and national intelligence service.

62. The disarmament, demobilization and reintegration process might well fail to involve host communities, and hence fail to take into account the actual needs of the different areas of operation or fail to provide housing assistance for demobilized persons.

63. The considerable numbers and categories of ex-combatants who need to be reintegrated into society, including displaced persons, war-wounded and associated adults, remains a major challenge. In particular, children who are not effectively reintegrated risk being recruited again.

64. The streamlining of the army and police could adversely affect national security.

D. Justice, promotion of human rights and actions to combat impunity

Peacebuilding Commission recommendations of 6 February 2009

Human rights and the rule of law

Increase efforts to broaden the respect for and protection of human rights and enforce the rule of law, including through measures to improve the performance and independence of the judiciary; to establish the national independent human rights commission consistent with international norms and the Paris Principles; to take decisive action against the perpetrators of violent acts, including against women, children and albinos, and to improve efforts to end impunity and conclude existing cases expeditiously, including those relating to the Gatumba massacres and the Kinama killings.

Transitional justice

Take forward the nationwide consultation process on the establishment of transitional justice mechanisms and provide an environment conducive to the conduct of these consultations so as to ensure the timely establishment of the Truth and Reconciliation Commission.

Review of progress and trends

65. A number of new developments took place in the legal policy area in the period under review. Particular attention was paid to the revised Penal Code. Its enactment on 22 April 2009 was a significant milestone in the development of Burundi's legal system. The amendments include the abolition of the death penalty, increasing the age of legal responsibility from 13 to 15 years, the strengthening of measures to combat violence against women and children, and the abrogation of amnesty for war crimes and crimes against humanity. However, in contradiction with some provisions of international law, the new Code criminalizes some conduct such as homosexual relations.

66. The Ministry of Justice is preparing a draft law on the code of criminal procedure governing the application of the new Penal Code.

67. Other developments include the formulation of a national juvenile justice strategy in February 2009. The Ministry of Justice is preparing a long-awaited plan of action. The Council of Ministers has considered a bill in French and Kirundi on inheritance, matrimonial regimes and gifts. The bill has now been submitted to Parliament with a view to its enactment.

68. As regards human rights, progress has been made towards establishing an independent national human rights commission. The relevant bill has been amended to incorporate the Paris Principles. The Council of Ministers is expected to consider the amended text in July 2009. Burundi is currently the only member State of the East African Community without an independent human rights commission.

69. As regards political rights, and in particular freedom of speech, two prisoners of conscience were acquitted in March 2009. Alexis Sinduhije, leader of the

Mouvement pour la solidarité et le développement political party, was acquitted on 11 March 2009. The journalist, Jean-Claude Kavumbagu, director of the Net Press agency, was acquitted on 18 March 2009. Another noteworthy case is that of Juvénal Rududura, vice-president of the non-magistrate staff union, who was imprisoned for alleged libel in September 2008 and granted provisional release on 8 July 2009. Also in March, the Association of Burundian Journalists submitted a draft bill on the press to Parliament. Its adoption will ensure that Burundian journalists enjoy a legal environment more conducive to the free exercise of their profession. The draft bill contains some major innovations that journalists have been awaiting, such as the decriminalization of press offences.

70. The first half of 2009 was marked by a number of crimes against the individual. In particular, many albinos were assaulted or murdered. The heinous nature of such crimes, together with the delay in their investigation and prosecution, created considerable panic and a deep feeling of insecurity among albinos. In March, the Prosecutor's Office in Rugiyi Province dismantled a network of traffickers in organs and body parts of albinos. The traffickers are currently on trial. There had been eight killings of albinos since September 2008, in addition to attempted murders or abductions that were foiled by civilians. The Prosecutor's action has brought an end to those killings, allowing most of the albinos who had sought refuge in the towns to return to their homes. An administrative census of albinos has begun; it is essential to locate them in order to protect them. During the period under review, BINUB produced and broadcast programmes campaigning for an end to such practices. Despite those measures, there is a real risk that attacks may continue.

71. The murder on 8 April 2009 of the vice-president of the Observatory for the Fight against Corruption and Economic Embezzlement, Ernest Manirunva, also caused controversy because of the alleged slowness of the investigating authorities. However, it was noted that, because of the complex nature of the case, it has been given to a joint commission comprising police investigators and magistrates, with external assistance from the United States Federal Bureau of Investigation.

72. In an equally serious area, recorded cases of rape and sexual violence are still high, though down slightly compared to the last six months. In the first half of 2009, the United Nations recorded a total of 313 victims (111 adults and 202 minors), after 335 victims in the previous six months. It must be noted that statistics for sexual crimes are incomplete and true figures would be much higher. The Minister of Human Rights and Gender established a data collection unit that will provide more reliable statistics on the problem by gathering data from several sources.

73. Several other murder cases remain open. The trial phase in connection with the murder of four alleged members of Palipehutu-FNL (as it was known at that time) in Kinama (Bujumbura Mairie) in August 2006, ended on 3 April 2006 and a judgment has yet to be rendered. In the case of the murder of 30 civilian members of Palipehutu-FNL in Muyinga in 2006, some of those convicted lodged an appeal with the judicial chamber of the Supreme Court after the 23 October 2008 verdict, but the Court has not yet registered the case in its docket. Since January 2009 there has been no progress in the prosecution of those responsible for the 2004 massacre of Congolese refugees in Gatumba.

74. Finally, in the area of transitional justice, all the preparatory activities for the national consultations on transitional justice mechanisms in Burundi have been

completed. Agreement has been reached on operations, logistics and methods. Three categories of persons and groups will be consulted: individuals, focus groups and communities/communes. Media outreach for social communication have begun throughout the country. Media coverage will be provided for the consultations. Consultations began in the second week of July, in Bubanza. Consultations will be held in three provinces a month and the process should be finished by the end of 2009.

Contributions of national partners ("stakeholders")

75. Women's associations have actively advocated inclusion of the gender perspective in the act on inheritance, matrimonial regimes and gifts. Those associations also vigorously advocated the inclusion of the gender perspective in national consultations on the establishment of a transitional system of justice in Burundi.

76. National ownership of human rights issues is reflected in the fact that several local non-governmental organizations (NGOs) based in the country's different provinces have made financial contributions to human rights monitoring activities.

Contributions of international partners

77. The United Kingdom and Belgium have continued to provide technical and financial support for State capacity-building and the promotion of access to justice, and for the reform of the justice sector (financed from a joint £6 million fund with Sweden, over three years). As regards action to combat impunity, Switzerland, inter alia, cooperated with BINUB with respect to national consultations on transitional justice mechanisms and provided support for the initiatives of civil society and non-governmental organizations to raise public awareness of the issue. In the area of human rights, Switzerland is helping the Government of Burundi to prepare its human rights report so that it can meet its international commitments and take part in the international dialogue on the matter. The United States of America has strengthened the capacity and supported the advocacy efforts of civil society organizations and women leaders working to protect children's rights, combat gender-based violence and take action against torture. France has taken an active role in the fight against sexual violence by financing the establishment of the new Seruka centre, which takes in and treats women and child victims of sexual violence. France has also provided material assistance in the form of logistical support and food for albinos. The European Commission contributed to financing the reconstruction or rehabilitation of more than 30 local courts. It is also running programmes with NGOs, such as Lawyers without Borders, to combat torture.

Challenges and risks

78. The pace of the investigation into the 8 April 2009 murder of the vice-president of OLUCOME, Ernest Manirumva, is viewed in some quarters of civil society as an unwillingness to fight impunity.

79. There has been no progress in the case of the massacre of Congolese Banyamulenge refugees in Gatumba in 2004 because the alleged perpetrators (FNL) currently enjoy provisional immunity.

80. The Government has yet to send the bill on inheritance, matrimonial regimes and gifts (in French and in Kirundi) to the National Assembly for consideration and adoption.

81. Some of Burundi's partners feel that the fact that the criminalization of some conduct under the new Penal Code is contrary to international conventions, but the Government of Burundi believes it is its duty to protect national culture in line with most international legal instruments.

E. Land issue and economic recovery

Peacebuilding Commission recommendations of 6 February 2009

Socio-economic recovery

Finalize, in consultation with international partners, and start to implement, the strategy for durable socio-economic reintegration of former FNL combatants, demobilized soldiers, ex-combatants, the displaced and other vulnerable groups affected by the conflict.

Land tenure

Implement the land tenure policy paper and put in place mechanisms to coordinate land dispute resolution.

The gender dimension and reintegration of refugees and vulnerable groups

Continue the efforts directed towards the achievement of the agreed minimum of 30 per cent female representation in public services, and continue to support the implementation of the Integrated Rural Villages programme which promotes durable solutions to the problems of landless returnees and vulnerable groups, in particular women.

Progress and trends

82. In the area of land tenure, and pursuant to the Peacebuilding Commission's recommendation, the land policy paper was adopted by the Council of Ministers in April 2009. It covers the revision and modernization of the Land Tenure Code, the decentralization of land management, the inventory of State land and the development of long-term solutions to the small size of plots and the problem of landless individuals.

83. In the context of the land tenure issue, the legislation on the mission, membership and functioning of the National Commission on Land and Other Assets has been reviewed. It extends the Commission's mandate by two years and defines its powers and those of the Ministry of Water, Environment and Town Planning, which will avoid conflicts of jurisdiction in the settlement of land tenure cases with other State organs. Parliament is still reviewing the matter.

84. The draft of the revised Land Tenure Code proposed by the Government is still under review by Parliament; it provides for the establishment of a national commission on land tenure, the decentralization of land registration services and the regulation of marshland development and of lands worked by farmers. Land grants and concessions will be subject to the National commission's prior opinion.

85. The Integrated Rural Villages programme, designed as one solution for the reintegration of landless returnees and internally displaced persons, is beginning to bear fruit; 698 housing units were built and allocated in five new villages (in the provinces of Ruyigi, Makamba and Rutana). It is projected that 17,700 housing units will be built in 2009, compared to 13,200 in 2008.

86. The networking of local peacebuilding structures through the peace villages in some communes seems to be paying dividends by promoting renewed trust among local authorities and communities, especially among the inhabitants of those villages.

87. The Government is working on a local private sector development strategy as part of a master plan on tourism and the promotion of handicrafts in support of peacebuilding and local private sector development.

88. Finally, the establishment, in the context of the Strategic Framework for Poverty Reduction, of the sectoral group on community recovery, repatriation and reintegration, which brings together national and international partners involved in these matters, is worth noting. The group's work should help to harmonize planning and the activities of development partners involved in the area.

Contribution of international partners

89. In the area of land management, the Netherlands partnered with the Swiss Agency for Development and Cooperation, to finance a pilot programme on decentralized land registration services to ensure land tenure security in the province of Ngozi, so that it can be replicated in other provinces. This joint programme supplements the European Commission's efforts aimed at providing streamlined grass-roots land management. The synergy among donors (European Union, USAID and the Swiss Agency for Development and Cooperation) and the Office of the United Nations High Commissioner for Refugees, representing the agencies of the United Nations system, has also been instrumental in helping the Government of Burundi to conduct workshops in March 2009 to inform lawmakers about the draft Land Tenure Code. The European Commission has also provided vital support for the preparation of a draft new Land Tenure Code. The United States of America supported projects to strengthen the capacity of communities to prevent and peacefully resolve land tenure disputes, mainly in Gitega, Bururi and Ruyigi provinces.

90. The United Kingdom, France, Belgium and Luxembourg have continued to support the implementation of the education sector plan, disbursing €24 million for the 2008-2010 period. They have worked with the Government and development partners on a programme to strengthen community involvement in the management of schools (the programme, costing £1.5 million, should be officially approved in July 2009), and on the development of a major health sector support programme over the next three years. France is providing assistance to civil society and vulnerable populations through a social fund for development. France has also contributed to assistance programmes for refugees through the World Food Programme (WFP) and CARITAS.

91. Japan has supported programmes to create sustainable livelihoods and improve the nutritional status of the most vulnerable through WFP. Japan also supported a project designed to mitigate the effects of climate change and of the food crisis on

children and vulnerable families. The United States of America has also launched a programme to provide food aid, food security assistance and improve the food situation of vulnerable households in the northern provinces of the country. The United States of America has continued to support maternal and child health and HIV/AIDS projects in Kayanza, Muyinga, Kirundo, Gitega and Cibitoke provinces. It has also established a programme to provide support for the establishment of micro, small- and medium-sized enterprises, bolstered by a loan guarantee fund for producers and agricultural entrepreneurs, and backed by the United States Treasury, through a loan guarantee agreement between USAID and a local commercial bank.

92. As far as finding lasting solutions to the problem of the landless is concerned, housing units for five new villages have been built through funding from the Danish International Development Agency, under the integrated rural villages strategy. European Commission financing will provide support for the coordination of this multisectoral programme, the implementation of a participatory community approach, the strengthening of infrastructure, water supply system and sanitation and the recovery of agricultural and other income-generating activities. The European Commission is also contributing to economic recovery efforts through its road infrastructure programmes and agricultural development programmes (tea, oil palm and coffee industries).

93. Lastly, it should be noted that, in May 2009, the Peacebuilding Fund launched a new and final project, with additional funds from UNDP, to provide support for the socio-economic reintegration of population groups affected by the crises and the rehabilitation of their communities and for community rehabilitation initiatives in the provinces most affected by the armed conflict, including Bubanza, Bujumbura-rural and Cibitoke. This pilot project constitutes the basis for the future national community recovery and reintegration programme, which would be under the Ministry of Solidarity.

94. All the United Nations system partners contributed to the community recovery efforts in specific areas, such as health care, child protection, prevention of sexual abuse, the promotion of gender equality, food security, local governance and education.

Challenges and risks

95. The implementation of the Land Tenure Code and its related legal framework constitutes a major challenge because of the influx of returnees and expelled persons and the resettlement of displaced and demobilized persons. Effective implementation of the Code during the pre-electoral period is critical.

96. Lack of progress in enacting the bill on inheritance continues to hinder a resolution to the question of access by women, especially widows, and by orphans, to land through inheritance.

97. Efforts to educate the rural population about the draft bill on inheritance, matrimonial regimes and gifts have not yielded the expected results.

98. Population pressure combined with the return of persons affected by the conflict, and the effects of climate change, particularly in the northern part of the country, may undermine the community recovery and reintegration strategy and adversely affect security during the lead-up to the elections.

99. The integration and coordination of the efforts of the various Ministries and their partners with respect to community recovery remains a challenge.

F. Subregional dimension

Peacebuilding Commission recommendations of 6 February 2009

International assistance

Continue to support the peace process through the Regional Initiative for the Burundi Peace Process, the South African Facilitation, the African Union, the United Nations Integrated Office in Burundi and other members of the Political Directorate, in particular through ensuring the availability of the resources necessary for disarmament, demobilization and reintegration of FNL combatants.

Review of progress and trends

100. As indicated in the Commission's recommendation, the engagement of the international community in the subregion focused mainly on the peace process in Burundi. However, the majority of the issues raised by the various partners and stakeholders during the consultations on the drafting of this report had to do with economic governance which, in their view, is vital to the stability of the subregion and to peacebuilding. The contributions of international partners to the peace process are set out in the section on the Comprehensive Ceasefire Agreement between the Government and FNL.

101. In order to become a full-fledged member of the East African Community, Burundi has joined the East African Community Customs Union and adopted the common external tariff; it also participates in mechanisms for the coordination of security services within the East African Community. It should be noted that Burundi is a party to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and the Geneva Declaration on Armed Violence and Development.

102. With respect to the Economic Community of the Great Lake Countries, Rwanda and the Democratic Republic of the Congo have already exchanged ambassadors; Burundi has appointed a diplomat and is currently reviewing the need to reopen its diplomatic mission in Rwanda.

103. Concerning the International Conference on the Great Lakes Region, whose headquarters are located in Bujumbura, Burundi hosted one of its key workshops on combating the illegal exploitation of raw materials in April 2009.

104. Despite the economic disparities among the member States of the East African Community, the comparative advantages of integration (free movement of goods and services produced by the member States) fostered interest in carrying forward the integration process, as reflected in ongoing work to establish a Burundi internal revenue agency.

105. Pursuant to South Africa's recommendation, the International Conference on the Great Lakes Region has become closely associated with the efforts to monitor the conclusion of the peace process through the new Partnership for Peace in

Burundi, the three pillars of which are BINUB, the Political Directorate and the International Conference.

106. Lastly, a solution to the Rwanda-Burundi border conflict is being sought under the African Union Border Programme.

Contributions of international partners

107. The subregion continued to play a crucial role in the implementation of the Comprehensive Ceasefire Agreement; in particular, South Africa, supported by the Netherlands, continued its facilitation work and contributed troops to the African Union, which helped speed up the disarmament and demobilization of FNL. The United Republic of Tanzania remained engaged in the Regional Initiative for the Burundi Peace Process as Vice-Chairman, including by supporting the South African Facilitation, in particular with respect to the transformation of FNL into a political party. It should also be noted that, in the context of the Tripartite Plus One Commission and in cooperation with the Government of Burundi and the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Republic of Tanzania continued to support and facilitate the voluntary repatriation of Burundian refugees and offered those refugees who have so requested and who meet the necessary requirements, the option of naturalization with a view to integrating them into Tanzanian society.

108. Through its East African Regional Programme, the United Kingdom worked with the Government of Burundi and other development partners on a programme to provide support for Burundi's membership in the East African Community, including the establishment of an internal revenue agency. As a result of its efforts to rally other organizations and partners to Burundi's cause, a number of development partners expressed an interest in supporting Burundi's membership in the East African Community.

109. At the bilateral level, Switzerland has adopted a regional approach to peace and stability focusing on Burundi, Rwanda and the Democratic Republic of the Congo (Kivu) that is designed to contribute to peace and development in the Great Lakes region. Thus, Switzerland supported regional initiatives to promote dialogue among the countries so as to contribute to efforts to review and address challenges that affect the entire region. Germany, through GTZ, provided the Conference secretariat with assistance in the form of personnel and technical expertise.

110. The United States of America continued to support the Tripartite Plus One Commission, which was established in 2004 with the assistance of the United States Government to promote dialogue and cooperation among the countries of the African Great Lakes. The Commission organizes quarterly meetings among the Foreign Ministers of Rwanda, the Democratic Republic of the Congo, Uganda and Burundi, under the auspices of the United States of America, to address various issues of interest to the region, including facilitating the repatriation of refugees to their home countries; combating the negative forces; and developing a common procedure for the extradition of criminals.

Challenges and risks

111. In order to become a full-fledged member of the East African Community, Burundi must build its capacity up to the standards of the other member States

(including in the working language of the Community and community-based management), and strive to keep the payment of its assessed contributions up to date.

112. Burundi must meet all the requirements for full membership in regional institutions such as the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (CEEAC), the Economic Community of the Great Lake Countries (CEPGL), the East African Community (EAC) and the International Conference on the Great Lakes Region (ICGLR).

113. Burundi must speed up the harmonization of its legislation with the Protocol on Democracy and Good Governance to the Pact on Security, Stability and Development in the Great Lakes Region.

114. Burundi has a key role to play in the International Conference on the Great Lakes Region, whose headquarters are in Bujumbura, in particular with respect to the positioning of this new organization in the complex multilateral diplomacy of the Great Lakes region.

115. The revival of the Economic Community of the Great Lakes Countries at the Ministerial Summit in Bujumbura in December 2008 gave the Community significant momentum, with the development of an ambitious and concrete programme of work. Plans are on schedule and should be carefully monitored with the support of the partners.

G. Mobilization and coordination of international assistance

Peacebuilding Commission recommendations of 6 February 2009

Mobilization of resources

Continue to support the implementation of the Government's priorities as set out in the Priority Action Programme to ensure that essential public services are delivered and the economic needs of Burundi are met.

International assistance

Continue to advocate for support for activities relating to the Strategic Framework for Peacebuilding in Burundi, including helping to widen Burundi's donor base and engaging non-traditional partners.

Actively participate in the Partners Coordination Group, with a view to maintaining a regular and constructive dialogue with the Government and national stakeholders on the priorities in the Strategic Framework and the poverty reduction strategy paper and advising the Peacebuilding Commission on how it can effectively support peacebuilding in Burundi.

Encourage international partners to streamline and better coordinate their bilateral and multilateral assistance in line with the Burundi poverty reduction strategy paper.

Advocate within the Security Council and the relevant agencies of the United Nations system to ensure that the role of the United Nations Integrated Office

in Burundi in support of the work of the Government and the Commission is taken into account in the forthcoming mandate review.

Work with the Government of Burundi to review and update the Monitoring and Tracking Mechanism, inter alia, to ensure that the Strategic Framework and the poverty reduction strategy paper processes are aligned, and to conclude the review by May 2009 at the latest.

Progress and trends

116. During the period covered by this report, the United Kingdom declared that it had disbursed all of the £10 million earmarked for its programme (fiscal year April 2008-March 2009 inclusive) and had participated in discussions with the Government of Burundi, the World Bank, the United Nations and other partners on how to improve the efficiency and effectiveness of the Partners Coordination Group, in accordance with the Paris Principles and the Accra Agenda for Action. The United Kingdom also financed a joint evaluation (May/June 2009) of obstacles to growth and economic opportunities in Burundi, which will be used in formulating the next poverty reduction strategy paper and setting the key priorities of the Government and the development partners.

117. The member countries of the Peacebuilding Commission continued to support the Government in its implementation of the Strategic Framework for Peacebuilding. The list of countries that contributed to the peace process during the reporting period includes Belgium, Canada, China, Denmark, France, Germany, Italy, Japan, Luxembourg, Mexico, the Netherlands, Norway, South Africa, Sweden, Switzerland, the United Republic of Tanzania, Thailand, the United Kingdom and the United States of America. Assistance was also provided by international organizations such as the Inter-Parliamentary Union, the African Union, the World Bank, the United Nations system, the European Union, the Regional Initiative for the Burundi Peace Process, as well as numerous international NGOs.

118. The international partners continued to support and monitor the implementation of the Poverty Reduction Strategy Paper in the areas of security of land tenure, good governance, education, decentralization of public health care, judicial reform and security sector reform. They also continued to provide support for the sectoral groups launched under the Poverty Reduction Strategy Paper, including one on good governance and the other on community recovery.

119. Regarding the support of development partners, it should be noted that in January 2009 several creditor countries cancelled a total of $833 million of Burundi's debt in accordance with the terms of the Heavily Indebted Poor Countries Initiative. This indirect assistance is significant and has quite considerable consequences for Burundi in terms of the management of State budgetary resources, given the global financial crisis. It is also worth noting that some countries have increased the level of their assistance over the past few years.

120. For example, United States assistance has increased fourfold in the last three years, from $9.6 million in 2007 to almost $36 million in 2009.

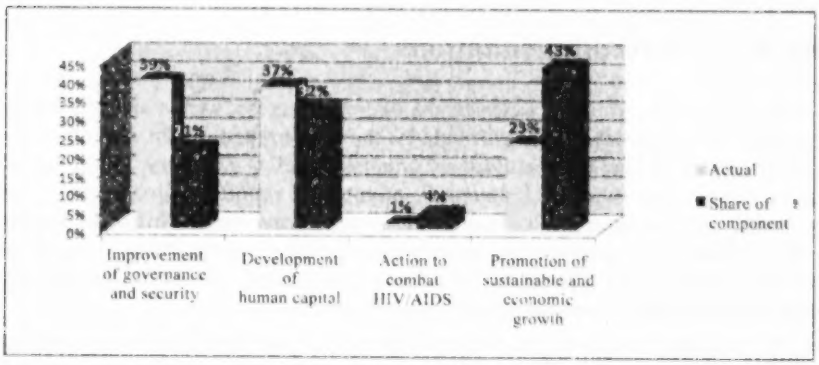
121. The Chairperson of the Burundi Configuration of the Peacebuilding Commission has proposed the setting up of a local mechanism to represent the Commission and to monitor activities on the ground, provide counselling and recommendations on issues of concern and propose measures to be taken. The

Government of Burundi intends to examine the issue more closely in the light of existing platforms for consultations, that is the strategic and policy forums of the Partners Coordination Group.

122. International partners have worked with the Government of Burundi to improve the effectiveness and coordination of assistance in accordance with the Paris Principles and the Accra Agenda for Action, particularly with regard to reporting on contributions to and disbursement of official development assistance (ODA). The measures taken include the introduction of a platform for the management of assistance-related information which is operational. With the financial support of the Netherlands, Belgium and UNDP, the National Aid Coordination Commission this year has put in place a technical assistance programme to strengthen national aid coordination capacity.

123. There is a persistent imbalance between the identification of needs and the mobilization of financing. Commitments for the four components of the Poverty Reduction Strategy Paper are not in line with programming as envisaged in the PRSP/Priority Action Programme component. The component "Promotion of sustainable and equitable economic growth" has insufficient resources and is consistently underfinanced.

Figure 8
Comparative share of each component in the programming and disbursement of ODA, 2007-2008



Source: Commission Nationale de Coordination des Aides (CNCA), Government of Burundi, 2009.

124. Lastly, it was observed that the budgetary support promised by donors is being granted on the basis of bilateral policy discussions and, according to the contributing countries, subject to revision. It was noted that, from the Government's standpoint, this has serious implications for budgetary planning and the conduct of activities.

Challenges and risks

125. Continued advocacy for support of the results achieved in implementing the Strategic Framework and harmonizing them with the content of the Poverty Reduction Strategy Paper.

126. Commitment of the Peacebuilding Commission to supporting the Government in the conduct of free, fair and peaceful elections in 2010.

127. Maintained level of commitment of the international community to Burundi despite the financial crisis.

128. Creation of favourable conditions for dialogue between stakeholders in the electoral process.

129. Coordination of support in mobilizing the international community prior to the 2010 election.

130. Mobilizing the capability to attract the volume of ODA necessary for national reconstruction.

131. Ensuring coherence between the various political processes which influence peacebuilding during the second generation of the PRSP.

132. Setting up a matrix of revised indicators to ensure the proper monitoring of a single strategic framework.

133. The budgetary support promised by donors is subject to new conditionalities during the financial year which make it unpredictable and compromise the attainment of the Government's objectives.

134. Continuing disparity between the identification of needs and the mobilization of financing.

III. Summary and recommendations

135. This report endeavours to describe the overall progress, trends and challenges confronting all the stakeholders, particularly the Government, with regard to the recommendations of the Peacebuilding Commission of 6 February 2009, issued following the second Strategic Framework monitoring report. It also presents the recommendations and lines of action discussed and approved at the highest strategic level of the State with national and international development partners. In each of the priority sectors, key messages have been formulated and need the priority attention of stakeholders over the next six-month period.

136. In governance-related matters, progress, trends and challenges have focused mainly on the fight against corruption, the efforts to introduce public administrative reforms and the creation of an environment conducive to dialogue and the preparation of the 2010 elections. The issues which stakeholders have raised concerning respect for the integrity of democratic space, the use of State institutions for political or personal ends, and, in particular, action to combat impunity. It was pointed out that, while concrete efforts had been made in this sector, there had been delays in reforms and the desired changes would not be achieved unless the institutional capacities of the State were strengthened and attitudes changed.

137. The important historical outcomes in the negotiations between the Government and the FNL in the last quarter of 2008 have had a significant impact on the commitments of the parties and their sustained efforts to adopt the necessary confidence-building measures to promote peacebuilding and to address the serious challenges encountered. During the first half of 2009, the first challenge was for the Government and FNL to ensure compliance with the Bujumbura Declaration of

4 December 2008 and 17 January 2009. The second challenge was for the international community to continue to monitor and support the implementation of the Comprehensive Ceasefire Agreement and to monitor the implementation of the Bujumbura Declaration, and also to provide the financial and technical support necessary for the disarmament, demobilization and reintegration of FNL combatants. These two challenges were successfully addressed. The disarmament, demobilization and reintegration process was launched and, in spite of the operational delays and challenges encountered, significant progress was made in a short time. The third challenge has now become that of integrating demobilized persons from all categories into communities, institutions and civil life in general.

138. The challenges to peacebuilding in the security domain have consisted in strengthening institutional bases to promote the professionalization of the defence and security forces and the relations of the latter with the civil institutions which will control them and also their relations with respect to the citizens whom they have a duty to protect. The challenges relating to security sector reforms in the context of the integration of FNL combatants and security arrangements for the elections give added prominence to the questions about the priority actions to be carried out by the end of 2009 regarding which specific recommendations have been made.

139. In the section of the report devoted to justice, the promotion of human rights and action to combat impunity, issues relating to the strengthening of the rule of law have predominated. Efforts to adapt or attune legal frameworks and instruments to the cultural and the current requirements of Burundi were noted. Institutional delays and rigidities remain intrinsic problems for the justice system. The establishment of a national independent human rights commission is still at the project stage. As regards political rights and freedom of expression, cases of restrictions placed on gatherings and demonstrations remain common but efforts to bring about normalization through consensus were noted. The culture of violence still prevails, particularly against women, children and albinos, although some, largely inadequate measures have begun to be implemented. Unsolved cases of targeted assassinations (for example, the Manirunva case) and massacres like those of Gatumba and the murders perpetrated at Kinama are ever-present in peoples' minds and raise questions about the ability of the institutions to investigate these complex cases. Lastly, the process of national consultations on transitional justice mechanisms has started against the backdrop of the pre-election period. The challenges due to the politicization of issues relating to justice, the promotion of human rights and action to combat impunity are quite real.

140. The land issue and economic recovery are closely linked and have an impact on community recovery. The problems posed by slow progress in the complex matter of revising the Land Tenure Code and the creation of decentralization mechanisms and institutional tools for the management of land and territorial administration disputes continue to hold back community recovery. Here, the joint efforts of development partners and the Government to upgrade peace villages, and the integrated rural villages model have begun to bear fruit. However, recovery will not be possible without the implementation of a national community recovery strategy and a policy to promote entrepreneurship in industrial and economic niches with a strong development and growth potential.

141. The gender perspective has been inherent in the actions of some development partners. The period covered by this report was marked by advocacy for the inclusion and mainstreaming of the gender perspective in the programmes and projects for institutional capacity-building and community recovery. Gender issues also affected the defence and security forces and the programmes and projects for assistance to people affected by the crisis, such as ex-combatants, returnees, refugees and vulnerable groups. Thus the challenges are numerous, but actions to combat sexual abuse and the inclusion and representation of women in the decision-making structures of Burundi are of concern to all partners.

142. At the level of the subregion, issues relating to the political and economic integration of Burundi and the strategic use of subregional instruments for conflict prevention have yet to be addressed. The other challenge to be tackled is the capacity for absorption and internalization at the national level of the standards, memorandums of understanding and institutional and administrative provisions which this integration entails.

143. With regard to the coordination of assistance, the debate on the harmonization of the strategic framework and the Strategy (peacebuilding and poverty reduction) and the issues related to the global financial crisis and official development assistance are but two of the matters addressed in recommendations which advocate sustained and more tangible assistance on the part of development partners in a bid to reduce and simplify frameworks of cooperation and to standardize them.

144. International assistance to Burundi takes several forms and includes the contributions of many countries some of which do not officially participate in the Strategic Framework or the Strategy. Generally speaking, the assistance provided to Burundi is still bilateral and subject to the specific policies of development partners. However, it should be noted that there are many joint, complementary and coordinated actions by international partners in the spirit of the Paris Declaration and the Accra Agenda for Action.

145. These are, in brief, the chief messages that have emerged from the meetings and contributions of stakeholders as part of the review of the implementation of the Strategic Framework for Peacebuilding. Although inclusion and participation were the key principles of this review process, it is worth noting that, as for previous reports, participation has been restricted to thematic working groups. Furthermore, the quantity and quality of the contributions made by stakeholders to the process have been rather uneven. It is perhaps significant that civil society, in its various components, and the political parties have put in less of an appearance than for the previous report. This fact seems to reflect badly on the methodology and format of what was a sluggish exercise.

This third report is based on the experience acquired during the last two exercises. Despite the ups and downs along the way, the exercise was by and large successful in terms of ownership and the active involvement of some international partners.

Recommendations

Promotion of good governance

Elections and the political environment

146. Strengthen the frameworks already in place (National Independent Electoral Commission, the Constitution) and preserve an environment conducive to the holding of free, fair, transparent and peaceful elections in 2010 through ongoing constructive dialogue, including on the electoral law and communal code, the promotion of civil and political rights, including the right of assembly.

(a) Maintain the independence of the National Independent Electoral Commission;

(b) Call upon political parties to make the future permanent forum for political dialogue among the political parties the appropriate framework for seeking durable solutions to any political issues.

Good governance and action to combat corruption

147. Take further action to combat corruption and prosecute those responsible, including the conclusion of cases such as that against the oil company Interpetrol and that concerning the sale of the Falcon 50 presidential jet, and build capacities to administer and strengthen public and local services.

148. Enhance the capacity of magistrates for processing cases of misappropriation of funds in a timely manner.

Ceasefire agreement between the Government and FNL

Implementation of the Comprehensive Ceasefire Agreement

149. Ensure that FNL is included in the Partnership for Peace in Burundi and that the process of integrating FNL into national institutions is completed.

150. Facilitate and support the establishment of sustainable integration projects at the grass-roots level, since they offer the most job opportunities.

Security sector

Security sector reform

151. Implement national plans for security sector reform, including the establishment of an agreed framework and modalities for rightsizing and ensuring the professionalization of the army, the police and the national intelligence service.

152. Enhance the ethical standards of the troops to guard against attempts to manipulate them in the run up to the 2010 elections.

153. Organize a large-scale civic re-education programme for certain categories of persons involved in the armed conflicts, including demobilized persons, children and the war-wounded.

154. Enhance the role of civil society in civilian disarmament.

155. Mobilize the resources needed to implement the legislation on the control of small arms and light weapons.

156. Parliament's oversight of Government activities, especially its oversight of the defence and security forces, should be further enhanced.

157. The security and defence forces should ensure respect for human rights, punish those who commit blunders in accordance with the law, improve relations with civilians and enhance their cooperation with the territorial administration.

158. Make the decentralized units of the national intelligence service operational and continue to reform the service.

Justice, promotion of human rights and action to combat impunity

Human rights and rule of law

159. Consider raising the minimum age of criminal responsibility to 18 in line with international legal instruments.

160. Rehabilitation centres need to be established to take into account the criminal responsibility of children.

161. The Government must pay special attention to all the vulnerable groups.

162. The establishment of the independent national human rights commission should be expedited.

163. The investigation into the murder of Ernest Manirunva, Vice-Chairman of the Observatory for the Fight against Corruption and Misappropriation of Funds, should be speeded up and its findings made public.

Transitional justice

164. Maintain an environment conducive to the ongoing nationwide consultation process on the establishment of transitional justice mechanisms so as to ensure the timely establishment of the truth and reconciliation commission.

165. Undertake discussions on the harmonization of those provisions of the Burundian Penal Code that some international partners consider at variance with universal principles of human rights and freedoms.

Land issue and economic recovery

Economic recovery

166. Finalize, in consultation with international partners, and start to implement the strategy for durable socio-economic reintegration of former FNL combatants, demobilized soldiers, ex-combatants, the displaced and other vulnerable groups affected by the conflict.

167. Ensure that communal local development committees are involved in the identification, formulation, planning and implementation of priorities for local development initiatives in order to ensure greater ownership of such initiatives.

168. Harmonize the indicators of the two strategic frameworks (the Strategic Framework for Peacebuilding and the Poverty Reduction Strategy Paper) with a view to consolidating them.

169. Speed up the implementation of the community rehabilitation strategy.

170. Expedite the procedure for the promulgation of the revised Land Tenure Code and the revised act on the National Commission on Land and Other Assets.

171. Help to decentralize the Commission in order to make it more efficient.

172. Enhance the role of the Commission as a land dispute settlement mechanism.

Cross-cutting issues

Gender dimension

The gender dimension and reintegration of refugees and vulnerable groups

173. Continue the efforts directed towards the achievement of the agreed minimum of 30 per cent female representation in public services, and continue to support the implementation of the Integrated Rural Villages programme which promotes durable solutions to the problems of landless returnees and vulnerable groups, in particular women.

174. Continue the efforts to integrate women into all public decision-making in order to achieve 30 per cent female representation including at the grass-roots level.

Subregional dimension

175. Bring Burundian legislation in line with the Protocol on Democracy and Good Governance to the Pact on Security, Stability and Development in the Great Lakes Region.

Mobilization and coordination of international assistance

International assistance and role of partners

176. Continue to implement the recommendations on enhancing the functioning (calendar and topics on the agenda) of all the levels of the Partners Coordination Group in Burundi.

International partners

Political process

177. In cooperation with the Partnership for Peace in Burundi, continue to monitor and support the implementation of the Comprehensive Ceasefire Agreement.

Political dialogue

178. Encourage and support the efforts of the Government to establish a permanent forum for political dialogue among the political parties and civil society, including women's and religious groups.

Mobilization of resources

179. Continue to support the implementation of the Government's priorities as set out in the Priority Action Programme to ensure that essential public services are delivered and the economic needs of Burundi are met.

180. Maintain a regular and constructive dialogue between the Government and its partners with a view to mobilizing the level of assistance required for the reconstruction of the country despite the ongoing financial and economic crisis.

Aid effectiveness

181. Expedite the implementation of the Paris Declaration and the Accra Plan of Action.

International assistance and role of the Peacebuilding Commission

182. Enhance the functioning (calendar and topics on the agenda) of all the levels of the Partners Coordination Group.

183. During the forthcoming biannual review period, the Peacebuilding Commission will specifically:

(a) Continue to advocate for support for activities relating to the Strategic Framework for Peacebuilding in Burundi, including helping to widen Burundi's donor base and engaging non-traditional partners;

(b) Continue to support the implementation of the peace process through the Partnership for Peace in Burundi by ensuring that the resources necessary for the reintegration of FNL ex-combatants are made available;

(c) Provide advice, support and monitoring in respect of national efforts to create an environment conducive to the conduct of free, fair and peaceful democratic elections in 2010, by assisting in the mobilization of resources in accordance with the plan of operations submitted by the National Independent Electoral Commission;

(d) Provide support for the strategy for durable socio-economic reintegration of FNL ex-combatants and other ex-combatants and demobilized persons, when such a strategy has been developed and finalized in consultation with partners in Burundi;

(e) Provide advice and guidance on strategic approaches to peacebuilding, including transitional justice and socio-economic reconstruction, drawing on best practices and lessons learned in other countries, and extending outreach to civil society organizations;

(f) Encourage international partners to streamline and better coordinate their bilateral and multilateral assistance in line with the Poverty Reduction Strategy Paper.